

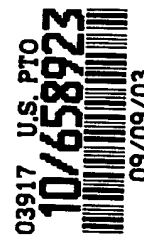
Preliminary Classification:

Proposed Class: 424

Subclass:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Frank C. Kohn

For (title): CONTROL OF SHOOT/FOLIAR FEEDING PESTS WITH PESTICIDE SEED TREATMENTS

1. Type of Application

This application is for a continuation.

2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)**EXPRESS MAILING UNDER 37 C.F.R. § 1.10****(Express Mail label number is mandatory.)**(Express Mail certification is optional)*

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date September 9, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EL999246960US.

Date:

9/9/03

Debra Dunn-Brown

Type or print name of person mailing paper

Signature of person certifying

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR
U.S. APPLICATIONS CLAIMED.

3. Papers Enclosed

- A.** Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design)
Application

52 Page(s) of Specification

9 Page(s) of Claims

No. of Claims 37

- B.** Other Papers Enclosed

1 Page(s) of Title Page

1 Page(s) of Abstract

3 Page(s) of Declaration and Power of Attorney

1 Page(s) of Fee Transmittal Sheet

1 Page(s) of Express Mail Certificate

4 Page(s) of Patent Application Data Sheet

1 Page(s) of Notification of Filing of Continuing Application

1 Page(s) of Check No. 23388 for \$1,056.00

1 Page(s) of Return Postcard

4. Declaration or Oath

Enclosed

Executed by inventor.

5. Inventorship Statement

The inventorship for all the claims in this application is the same.

6. Language

English

7. Fee Calculation (37 C.F.R. § 1.16)

Regular Application

CLAIMS AS FILED											
Basic Fee 37 C.F.R. § 1.16(a) \$750.00											
Number Filed			Number Extra			Rate					
Total											
Claims (37 C.F.R § 1.16(c))		37	–	20	=	17	x	\$	18.00	= \$	306.00
Independent											
Claims (37 C.F.R § 1.16(b))		1	–	3	=	0	x	\$	84.00	= \$	0.00
Multiple Dependent Claim(s), if any (37 C.F.R § 1.16(d))								\$	280.00	\$	0.00

Filing Fee Calculation

\$1,056.00

8. Fee Payment Being Made at This Time

Enclosed

Filing Fee

\$1,056.00

Total Fees Enclosed

\$1,056.00

9. Method of Payment of Fees

Attached is Check No. 23388 in the amount of \$1,056.00.

The Office is hereby authorized to charge any additional fees required by this paper or credit any overpayment to Account No. 50-2548.

A duplicate of this paper is attached.

10. Instructions as to Overpayment

Credit Account No. 50-2548.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATIONS CLAIMED
(37 C.F.R. § 1.78)**

11. Relate Back

A. 35 U.S.C. Sections 120, 121 and 365(c)

This application is a continuation of copending application of
Application number 09/620,652 filed on July 20, 2000.

The nonprovisional application designated above, namely application 09/620,652, filed July
20, 2000, claims the benefit of U.S. Provisional Application Nos.:

APPLICATION NO.	FILING DATE
60/146,083	07/28/1999

12. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

13. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

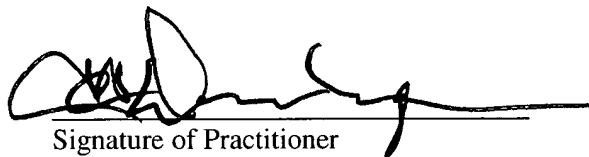
A notification of the filing of this continuation is being filed in the parent application, from which
this application claims priority under 35 U.S.C. § 120.

Date:

Sept. 9, 2003

Reg. No.: 35,124

Tel. No.: 864-250-2238



Signature of Practitioner

Charles E. Dunlap

Nelson Mullins Riley & Scarborough, LLP

P.O. Box 11070

Columbia, SC 29211-1070

17621 U.S. PTO
09/09/03

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,056.00

Complete if Known

Application Number	Not yet assigned
Filing Date	September 8, 2003
First Named Inventor	Frank C. Kohn
Examiner Name	
Art Unit	
Attorney Docket No.	17396/09156

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 50-2548
Deposit Account Name: Nelson Mullins et al

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	750
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 750.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
37	-20** = 17	x 18	= 306
Independent Claims	2	- 3** = 0	x 84 = 0
Multiple Dependent		0	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 306.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130		2051 65		Surcharge - late filing fee or oath	
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130		1053 130		Non-English specification	
1812 2,520		1812 2,520		For filing a request for ex parte reexamination	
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110		2251 55		Extension for reply within first month	
1252 410		2252 205		Extension for reply within second month	
1253 930		2253 465		Extension for reply within third month	
1254 1,450		2254 725		Extension for reply within fourth month	
1255 1,970		2255 985		Extension for reply within fifth month	
1401 320		2401 160		Notice of Appeal	
1402 320		2402 160		Filing a brief in support of an appeal	
1403 280		2403 140		Request for oral hearing	
1451 1,510		1451 1,510		Petition to institute a public use proceeding	
1452 110		2452 55		Petition to revive - unavoidable	
1453 1,300		2453 650		Petition to revive - unintentional	
1501 1,300		2501 650		Utility issue fee (or reissue)	
1502 470		2502 235		Design issue fee	
1503 630		2503 315		Plant issue fee	
1460 130		1460 130		Petitions to the Commissioner	
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180		1806 180		Submission of Information Disclosure Stmt	
8021 40		8021 40		Recording each patent assignment per property (times number of properties)	
1809 750		2809 375		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750		2810 375		For each additional invention to be examined (37 CFR 1.129(b))	
1801 750		2801 375		Request for Continued Examination (RCE)	
1802 900		1802 900		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Charles E. Dunlap

Registration No. (Attorney/Agent) 35,124

(Complete if applicable)

Telephone 864-250-2238

Signature

Date

September 9, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank C. Kohn

Application No.:

Group No.:

Filed:

Examiner:

For: CONTROL OF SHOOT/FOLIAR FEEDING PESTS WITH PESTICIDE SEED TREATMENTS

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL999246960US

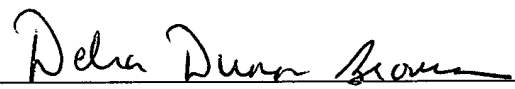
Date of Deposit 09/09/2003

I hereby state that the following *attached* paper or fee

1. Notification of Filing of Continuing Application (1 page)
2. Fee Transmittal (1 page)
3. New Application Transmittal w/ duplicate (4 pages each)
4. Patent Application Data Sheet (4 pages)
5. Non-Provisional Application with Title Page and Abstract (63 pages)
6. Executed Declaration and Power of Attorney (3 pages)
7. Check No. 23388 for \$1,056.00 (1 page)
8. Return Postcard (1 page)

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Debra Dunn-Brown



Signature of person mailing paper or fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank C. Kohn

Application No.: 09/620,652

Group No.: 1616

Filed: July 20, 2000

Examiner: Levy, Neil S.

For: CONTROL OF SHOOT/FOLIAR FEEDING PESTS WITH PESTICIDE SEED TREATMENTS

Commissioner for Patents

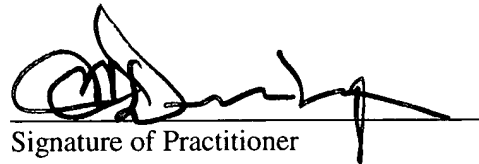
P.O. Box 1450

Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF CONTINUING,
DIVISIONAL OR CONTINUED PROSECUTION APPLICATION

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

Date: Sept. 9, 2003


Signature of Practitioner

Reg. No.: 35,124

Tel. No.: 864-250-2238

Charles E. Dunlap
Nelson Mullins Riley & Scarborough, LLP
Keenan Building, Third Floor
1330 Lady Street
Columbia, SC 29201

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

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37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.


37 C.F.R. § 1.10*

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EL999246960US (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: 9/9/03

Debra Dunn-Brown

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.